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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**PLAINTIFFS’ UNOPPOSED
ADMINISTRATIVE MOTION FOR
LEAVE TO EXCEED PAGE
LIMITATIONS ON FINAL APPROVAL
AND ATTORNEYS’ FEES MOTIONS**

This Document Relates To: Securities Actions

*City of St. Clair Shores, 15-1228 (E.D. Va.)
Travalio, 15-7157 (D.N.J.)
George Leon Family Trust, 15-7283 (D.N.J.)
Charter Twp. of Clinton, 15-13999 (E.D. Mich.)
Wolfenbarger, 15-326 (E.D. Tenn.)*

Pursuant to the Court’s Order Granting Motion for Preliminary Approval of Settlement (ECF No. 5593) (“Preliminary Approval Order”), Plaintiffs in the above-captioned securities class action (the “Securities Action”), Arkansas State Highway Employees’ Retirement System and Miami Police Relief and Pension Fund (collectively, “Plaintiffs”), intend to file a Motion for Final Approval of the Settlement of the Securities Action (“Final Approval Motion”), and Lead Counsel, Bernstein Litowitz Berger & Grossmann LLP, intends to file a Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses (“Attorneys’ Fees Motion”) by April 5, 2019. Each Motion would ordinarily be subject to a limit of 15 pages under this Court’s Standing Orders.

Pursuant to Local Rule 7-11, Plaintiffs and Lead Counsel respectfully request an Order authorizing them to file the Final Approval Motion and the Fee and Expense Motion, and supporting memoranda of points and authorities, in excess of the 15-page limit set forth in the Court’s Standing Orders.

RELIEF REQUESTED

Through this Motion, Plaintiffs seek entry of the [Proposed] Order Granting Leave to Exceed Page Limitations on Final Approval and Attorneys’ Fees Motions, which would permit (1) Plaintiffs to file a Motion and Memorandum of Points and Authorities in Support of the Final Approval Motion not to exceed 25 pages in length; and (2) Lead Counsel to file a Motion and Memorandum of Points and Authorities in Support of the Attorneys’ Fees Motion not to exceed 25 pages in length.

RELEVANT BACKGROUND

As the Court is aware, the Securities Action asserts claims on behalf of investors who purchased VWAG Ordinary and Preferred ADRs from November 19, 2010 through January 4, 2016. In particular, the action alleges, *inter alia*, that Defendants violated the federal securities laws by failing to disclose that Volkswagen sold approximately 585,000 diesel vehicles in the United States and millions in other countries that were equipped with “defeat devices,” and by misrepresenting that Volkswagen’s diesel vehicles complied with US and European Union emissions regulations. Plaintiffs allege that Defendants’ false statements artificially inflated the

1 prices of VWAG Ordinary and Preferred ADRs, which resulted in massive losses to investors
 2 when the truth was revealed to the public in a series of corrective disclosures from September 2015
 3 to January 2016. Defendants dispute Plaintiffs' allegations and claims.

4 On August 27, 2018, the parties entered into the Stipulation and Agreement of Settlement
 5 (ECF No. 5267-1) (the "Stipulation") setting forth the terms and conditions of the proposed
 6 Settlement of the Securities Action. On August 28, 2018, Plaintiffs submitted the Stipulation to
 7 the Court as part of Plaintiffs' motion for preliminary approval of the Settlement. ECF No. 5267.

8 On November 28, 2018, the Court entered the Preliminary Approval Order (ECF No.
 9 5593), which, among other things, preliminarily approved the Settlement, conditionally certified
 10 the Settlement Class for settlement purposes, approved the procedure for providing notice of the
 11 Settlement to the Settlement Class, and set the schedule for final approval of the Settlement. Under
 12 the schedule set by the Court in the Preliminary Approval Order, (1) the deadline for filing the
 13 motion for final approval of the Settlement and the motion for approval of attorneys' fees and
 14 expenses is April 5, 2019, (2) the deadline for class members to file objections or requests for
 15 exclusion is April 18, 2019, (3) the deadline for filing reply papers in support of the final approval
 16 and fee and expense motions is May 3, 2019, and (4) the date of the Court's final fairness hearing
 17 is May 10, 2019. ECF No. 5593.

18 **ARGUMENT**

19 This Court's standing Orders provide that "Memoranda of Points and Authorities in
 20 support of . . . any motions filed in an action . . . may not exceed 15 pages in length," absent a
 21 showing of good cause.

22 Plaintiffs and Lead Counsel respectfully request to be excused from these page limitations
 23 for good cause. Specifically, Plaintiffs and Lead Counsel need additional pages for their respective
 24 Motions in order to provide the Court with more detailed explanations of the considerations that
 25 support final approval of the proposed Settlement and the request for attorneys' fees and litigation
 26 expenses, in light of the magnitude and complexity of the Securities Action and the multi-factor
 27
 28

analysis established by Rule 23 of the Federal Rules of Civil Procedures and the Ninth Circuit for review of class action settlements.

Lead Counsel met and conferred with Defendants' counsel, who do not oppose the requested enlargement of the page limits for the Final Approval and Fee and Expense Motions.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request an Order granting the relief requested. A copy of the proposed Order is attached hereto.

Dated: March 22, 2019

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

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Counsel for Plaintiff Miami Police

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ James A. Harrod

JAMES A. HARROD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
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**[PROPOSED] ORDER GRANTING
LEAVE TO EXCEED PAGE
LIMITATIONS ON FINAL APPROVAL
AND ATTORNEYS’ FEES MOTIONS**

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1 Before the Court is Plaintiffs' Unopposed Administrative Motion for Leave to Exceed
2 Page Limitations on Final Approval and Attorneys' Fees Motions (the "Motion"). The Motion is
3 **GRANTED** for the reasons stated therein, and (1) Plaintiffs are granted leave to file a Motion
4 and Memorandum of Points and Authorities in Support of Final Approval of the Settlement of the
5 Securities Action not to exceed 25 pages, and (2) Lead Counsel is granted to leave to file a Motion
6 and Memorandum of Points and Authorities in Support of an Award of Attorneys' Fees and
7 Reimbursement of Litigation Expenses not to exceed 25 pages.
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9 **IT IS SO ORDERED.**

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11 Dated: _____, 2019

12 THE HONORABLE CHARLES R. BREYER
13 UNITED STATES DISTRICT JUDGE
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